

Department of Defense
Office of Military Commissions
1600 Defense Pentagon
Washington, DC 20301-1600

MILITARY COMMISSION ORDER
NUMBER

2-09

16 July 2009

Salim Ahmed Hamdan, a/k/a "Salim Ahmad Hamdan," a/k/a "Salem Ahmed Salem Hamdan," a/k/a "Saqr al Jadawy," a/k/a "Saqr al Jaddawi," a/k/a "Khalid bin Abdalla," a/k/a "Khalid wl'd Abdallah," (ISN 0149) of Yemen was arraigned and tried before a non-capital military commission convened at the U.S. Naval Station, Guantanamo Bay, Cuba, pursuant to Military Commission Convening Order No. 07-04, dated 1 May 2007, as amended by Military Commission Convening Order No. 07-07, dated 19 December 2007, and as amended by Military Commission Convening Order 08-02 dated 14 July 2008..

The accused was arraigned and tried on the following offenses and the following findings or other dispositions were reached:

Charge I: 10 U.S.C. §950v(b)(28) Conspiracy. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: In that Hamdan, a person subject to trial by military commissions as an alien unlawful enemy combatant, did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, conspire and agree with Usama bin laden, Ayman al Zawahari, Sheikh Sayeed al Masri, Muhammad Atef (a/k/a Abu Hafs al Masri), Saif al Adel or various members and associates, known and unknown, of the al Qaeda organization to commit one or more substantive offenses subject to trial by military commission, to wit: attacking civilians; attacking civilian objects; murder in violation of the law of war; destruction of property in violation of the law of war; and terrorism and the said Hamdan in furtherance of the conspiracy committed at least one of the following overt acts:

- a. Hamdan served as a bodyguard for Usama Bin Laden;
- b. Hamdan served as Usama Bin Laden's personal driver;
- c. Hamdan transported and delivered weapons, ammunition or other supplies to al Qaeda members and associates;
- d. Hamdan drove or accompanied Usama bin Laden to various al Qaeda-sponsored training camps, press conferences, or lectures.
- e. Hamdan, on various occasions, received weapons training in Afghanistan.

Plea: Not Guilty. Finding: Not Guilty.

Specification 2: In that Hamdan, a person subject to trial by military commissions as an alien unlawful enemy combatant, did, in Afghanistan, on or about November 24, 2001, willfully enter into a an agreement with one or more known or unknown members of al Qaeda or Taliban to commit the offense of Murder in Violation of the Law of War, a substantive offense subject to trial by military commission, to wit: the murder of United States or Coalition service members serving as pilots, crew, or passengers of United States or Coalition military aircraft, knowing the unlawful purpose of said agreement and joining into said agreement willingly with the intent to further said unlawful purpose, knowingly commit an overt act in order to accomplish some objective or purpose of said agreement, to wit, transporting one or more SA-7 surface to air missiles to be ultimately used to unlawfully and intentionally kill said United States or Coalition service members.

Plea: Not Guilty. Finding: Not Guilty.

Charge II: 10 U.S.C. §950v(b)(25) Providing Material Support for Terrorism.

Plea: Not Guilty. Finding: Guilty.

Specification 1: In that Hamdan, a person subject to trial by military commissions as an alien unlawful enemy combatant, did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in the context of or associated with an armed conflict, provide material support and resources to wit: personnel, himself, to be used in preparation for or carrying out an act of terrorism, and that the said Hamdan knew the said material support or resources were to be used for an act of terrorism, by joining the terrorist organization known as al Qaeda and performing at least one of the following: received training at an al Qaeda training camp; Served as a driver for Usama bin Laden transporting him to various locations in Afghanistan; served as Usama bin Laden's armed bodyguard at various locations throughout Afghanistan; transported weapons or weapons systems or other supplies for the purpose of delivering or attempting to deliver said weapons or weapons systems to Taliban or al Qaeda members and associates.

Plea: Not Guilty. Finding: Not Guilty.

Specification 2: In that Hamdan, a person subject to trial by military commissions as an alien unlawful enemy combatant, did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in the context of or associated with an armed conflict and with knowledge that al Qaeda has engaged in or engages in terrorism, did provide material support and resources to wit: personnel, himself, to al Qaeda, an international terrorist organization engaged in hostilities against the United States, with the intent to provide such material support and resources to al Qaeda, by becoming a member of the organization and performing at least one of the following: received training at an al Qaeda training camp; Served as a driver for Usama bin Laden transporting him to various locations in Afghanistan; served as Usama bin Laden's armed bodyguard at various locations throughout Afghanistan; transported weapons or weapons

systems or other supplies for the purpose of delivering or attempting to deliver said weapons or weapons systems to Taliban or al Qaeda members and associates.

Plea: Not Guilty. Finding: Guilty.

Specification 3: In that Hamdan, a person subject to trial by military commission as an alien unlawful enemy combatant, did, in Afghanistan, on or about November 24, 2001, in the context of or associated with an armed conflict, provide material support and resources to wit: weapons and weapons systems, to wit; one or more SA-7 surface to air missiles, to be used in preparation for or carrying out an act of terrorism, and the said Hamdan knew these missiles were to be used for an act of terrorism, by joining the terrorist organization known as al Qaeda and knowingly providing one or more SA-7 surface to air missiles to members of al Qaeda, Taliban or others directly associated with said organizations.

Plea: Not Guilty. Finding: Not Guilty.

Specification 4: In that Hamdan, a person subject to trial by military commission as an alien unlawful enemy combatant, did, in Afghanistan, on or about November 24, 2001, in the context of or associated with an armed conflict and with knowledge that al Qaeda, has engaged in or engages in terrorism, did provide material support or resources, to wit, weapons and weapons systems, to wit; one or more SA-7 surface to air missiles to al Qaeda, an international terrorist organization engaged in hostilities against the United States, with the intent to provide such material support and resources to al Qaeda, by knowingly providing one or more SA-7 surface to air missiles to members of al Qaeda, Taliban or others directly associated with said organizations.

Plea: Not Guilty. Finding: Not Guilty.

Specification 5: In that Hamdan, a person subject to trial by military commission as an alien unlawful enemy combatant, did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in the context of or associated with an armed conflict, provide material support and resources to wit: service or transportation by serving as a driver for Usama bin Laden by transporting him to various locations in Afghanistan knowing that by providing said service or transportation he was directly facilitating communication and planning used for an act of terrorism.

Plea: Not Guilty. Finding: Guilty.

Specification 6: In that Hamdan, a person subject to trial by military commissions as an alien unlawful enemy combatant, did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in the context of or associated with an armed conflict and with knowledge that al Qaeda, an international terrorist organization engaged in hostilities against the United States, had engaged in or engages in terrorism, intentionally provide material support or resources to al Qaeda, to wit:

service or transportation to Usama bin Laden by transporting him to various areas in Afghanistan knowing that by providing said service or transportation he was directly facilitating communication and planning used for acts of terrorism.

Plea: Not Guilty. Finding: Guilty.

Specification 7: In that Hamdan, a person subject to trial by military commissions as an alien unlawful enemy combatant, did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in the context of or associated with an armed conflict, provide material support and resources to wit: service as an armed body guard for Usama bin Laden, knowing that by providing said service as an armed bodyguard he was protecting the leader of al Qaeda and facilitating communication and planning used for acts of terrorism.

Plea: Not Guilty. Finding: Guilty.

Specification 8: In that Hamdan, a person subject to trial by military commissions as an alien unlawful enemy combatant, did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in the context of or associated with an armed conflict and with knowledge that al Qaeda, an international terrorist organization has engaged in hostilities against the United States, had engaged in or engages in terrorism, intentionally provide material support or resources to al Qaeda, to wit: service as an armed body guard for Usama bin Laden by knowing that by providing said service as an armed body guard for Usama bin Laden he was protecting the leader of al Qaeda and facilitating communication and planning used for acts of terrorism.

Plea: Not Guilty. Finding: Guilty.

SENTENCE


The following sentence was adjudged by the members on 07 August 2008:

Confinement for sixty-six months. The Military Judge awarded confinement credit in the amount of sixty-one months, seven days.

ACTION

In the case of Salim Ahmed Hamdan, a/k/a "Salim Ahmad Hamdan," a/k/a "Salem Ahmed Salem Hamdan," a/k/a "Saqr al Jadawy," a/k/a "Saqr al Jaddawi," a/k/a "Khalid bin Abdalla," a/k/a "Khalid wl'd Abdallah," the sentence is approved and will be executed. The accused will be confined in such a place as may be prescribed by the Commander, Joint Task Force Guantanamo Bay, Cuba, or superior authority.

BY DIRECTION OF SUSAN J. CRAWFORD, CONVENING AUTHORITY:


Shannon M. Callahan
Deputy Clerk of Court
for Military Commissions

DISTRIBUTION:

- 1-Mr. Hamdan (served on Defense Counsel)
- 1-Military Judge (CAPT Keith Allred)
- 1-Trial Counsel (CAPT John Murphy)
- 1-Defense Counsel (Capt Michael Thieme)
- 1-Clerk of Court, OMC
- 1-Clerk of Court, CMCR
- 1-OSD (OGC)
- 1-JTF GTMO (Detention Facility)
- 1-SJA, JTF GTMO
- 5-Original Record of Trial
- 1-Each Copy of the Record of Trial